IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 26087 of 2007(E)

PETITIONER:

N.A.MUHLYYUDHEEN ABDULKHADER,
NAVAKKOD, CHITHALI P.O., COYALMANNAM, PALGHAT.

BY ADV. SRI.T.M.SUNIL

RESPONDENTS:
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1. SPEICAL DEPUTY COLLECTOR (LA),
SLAO AND COMPETENT AUTHORITY, NDHP, NH 47,
PALGHAT.

2. TAHSILDAR, ALATHUR.

3. VILLAGE OFFICER, COYALMANNAM VILLAGE,
COYALMANNAM, PALGHAT.

4. CUSTODIAN OF VESTED FORESTS,
OLAVAKODE, PALGHAT.

BY GOVERNMENT PLEADER SHRI BASANT BALAJI R1 & 2
BY GOVERNMENT PLEADER SHRI RANJTIH THAMPAN R3 & R4

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C) NO. 26087 OF 2007

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE ASSIGNMENT DEED NO.661/1982 OF THE SRO COYALMANNAM DATED 6.4.1982.

EXHIBIT P2 TRUE COPY OF THE QUARRYING LEASE GRANTED BY DIRECTOR OF MINING AND GEOLOGY DATED 29.4.1988.

EXHIBIT P3 TRUE COPY OF THE TAX RECEIPT DATED 1.9.2006 ISSUED BY THE THIRD RESPONDENT.

EXHIBIT P4 TRUE COPY OF THE NOTIFICATION DATED 31.1.2007 ISSUED BY R1.

EXHIBIT P5 TRUE COPY OF THE POSSESSION CERTIFICATE DATED 3.11.1986 ISSUED BY R2.

EXHIBIT P6 TRUE COPY OF THE POSSESSION CERTIFICATE DATED 3.11.1986 ISSUED BY R2.

EXHIBI P7 TRUE COPY OF THR SURVEY SKETCH & RECEIPT OF RESTORATION OF LAND DATED 25.6.2007 ISSUED BY FOREST DEPARTMENT.

RESPONDENTS' EXHIBITS: NIL

K. PADMANABHAN NAIR, J.

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W.P(C) NO. 26087 OF 2007

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Dated this the 14th day of November, 2007

J U D G M E N T

Reliefs (i) and (ii) sought for in the Writ Petition are the following:

> **"(i) issue a writ of mandamus or any other appropriate writ order or direction commanding the 1st respondent to pay compensation for acquiring petitioner's land in survey No.695/2 in Coyalmannam I Village; and**
>
> **(ii) issue a writ of mandamus or any other appropriate writ order or direction commanding respondents 2 and 3 to collect land tax from the petitioner and issue possession certificate in respect of of his land in survey No.695/2 in Coyalmannam I Village".**

2. According to the petitioner the property having an extent of 1.10 acres comprised in Sy.No.695/2 of Coyalmannam Village originally belonged to his brother. The said land was taken possession by the Custodian of Vested Forests alleging that it was a vested forest. His brother filed O.A. No.175 of 1976 and the Forest Tribunal directed the

Forest Department to give back possession of the land. Appeal filed against the said order by the Forest Department was dismissed. The petitioner purchased that property.

3. Forest Department surrendered back possession of 1.10 acres of land comprised in Sy. No.695/2 of Coyalamannam Village to the petitioner on 25.6.2007 as per Exhibit P7 receipt and survey sketch. Learned Special Government Pleader for Forest submitted that NOC was also issued by the competent authority.

4. In view of the aforesaid facts, there will be a direction to respondents 2 and 3 to issue possession certificate in respect of the land surrendered back to the petitioner by the Forest Department as per Exhibit P7, provided the petitioner files a proper application for that purpose within ten days from the date of receipt of a copy of this judgment. Petitioner shall produce a copy of this judgment and a copy of Exhibit P7 receipt and survey sketch along with the application. On receipt of the same, respondents 2 and 3 shall conduct necessary enquiries and issue appropriate certificate within another two weeks from

the date of receipt that application.

Writ Petition is disposed of as above.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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W.P(C) NO. 26087 OF 2007

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J U D G M E N T

14TH NOVEMBER, 2007